

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.491 OF 1996
a/w Civil Application No.2919 of 2004

Shri Rajen Nemichand Raison, .. Petitioner.
Vs

1. Union of India and ors. .. Respondents.

Mr Sanjay Kshirsagar, for the petitioner.
Mrs Bhattacharaya, for respondent no.1 (absent)
Mr.A.S.Karwande for respondent nos 3 and 4.(absent)
Mr D.R.More, for respondent no.4. (absent).

CORAM : B.H.MARLAPALLE & D.B.BHOSALE, JJ.
DATE : March 09, 2006.

PC:

1. Heard. Civil Application No.2919 of 2004 is allowed in terms of prayer (a).

2. In response to the advertisement released by M/s Hindustan Petroleum Corporation Ltd and published in the local newspaper on 9.8.1993, the petitioner had also submitted his application for dealership outlet at Dehu Road in Pune district from the open category. He underwent the selection process as held by the Oil Selection Board and the said board, vide its communication dated 4.5.1995, informed the Corporation two names in the order of merit for the said location. In the order of merit respondent no.5 was first and the petitioner was second.

3. In this petition filed under Article 226 of the Constitution, the petitioner claims that he ought to have

been selected in place of respondent no.5. It is well established that the selection made by the Oil Selection Board is a subject to judicial review, but we cannot sit in appeal over the selection made by a body constituted by the Government of India or by the Corporation. The Oil Selection Board, vide its letter dated 4.5.1995, selected two candidates in the order of merit and the petitioner was at sr.no.2 and consequently he would have got the allotment letter only if the candidate at merit no.1, i.e. respondent no.5, had declined to accept the dealership on receipt of the letter of intent. We have noted that the letter of intent was issued on 15.5.1995 and as per the affidavit filed by the Corporation the outlet was commissioned on 20.10.1995, whereas this petition has been moved before us on 23.1.1996, i.e. after the outlet was commissioned. By the passage of time, nothing further remains in this petition and, in fact, it was not liable to be entertained as the outlet was already commissioned on 20.10.1995 by respondent no.5. The petition is dismissed as infructuous. Rule discharged.

(D.B.BHOSALE, J.)

(B.H.MARLAPALLE, J.)